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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,063	10/29/1999	REINOUT G. OUSSOREN	BHAG.68900	6722

7590 01/22/2002

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EXAMINER

PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

9

DATE MAILED: 01/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/430,063

Applicant(s)

OUSSOREN ET AL

Examiner

PITAM

Group Art Unit

1724

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- Petition to Expunge* *08/27/01 AND Petition Granted-in-part dated 01/07/02*
- ☒ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-16 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-16 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. As a result of a decision on the PETITION UNDER 37 C.F.R. 1,181, filed August 27, 2001 and the Petition Granted-in-Part dated on January 7, 2002, the finality of the Final Office Action dated on May 22, 2001 is withdrawn.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Brunner (5,964,909; Abstract; A, B, C, 1, 2, 4, 5, 6, 7, 8, 9, 10 & 11 in Fig. 1; Figs. 2-5; col. 2, line 61 through col. 3, line 55; col. 4, lines 12-25).

Brunner teaches a filter cartridge to be removably and sealingly received within a circular opening through a tube sheet comprising a filter sleeve formed as a tubular member, a tubular screen positioned interiorly of the filter sleeve for structural support, a bottom end cap sealingly secured to the lower end of the filter sleeve, a tubular fitting including a flange extending above the tube sheet having a tube sheet mouth insert, a contoured transition, a lower cylindrical collar

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extending beneath the tube sheet all integrally formed of flexible, resiliently deformable material, and a tubular expander with an insert able band including an outer diameter substantially equal to or less than the inner diameter of the flange of the fitting, and the band configured to engage interiorly the frusto-conical portion of the contoured transition of the fitting proximate the circular opening through the tube sheet to outwardly bias portions of the resiliently deformable fitting to affect sealing engagement with the cylindrical mouth surface of the tube sheet.

### ***Response to Arguments***

3. Applicant's arguments filed on March 20, 2001 have been fully considered but they are not persuasive.

Applicants' main argument is that "the applied reference Brunner U.S. Patent No. 5,964,909 under 35 U.S.C. 102 is not an effective prior art reference against the present application because the Brunner patent is issued on October 12, 1999 on an application filing date of September 4, 1998 while the present application claims priority back to the U.S. Patent No. 5,632,791 issued on May 27, 1997 on an application filing date of December 6, 1994". The Examiner respectfully disagrees. The Brunner reference is an effective prior art reference against the present application because the subject matter "a tubular fitting including a flange extending above the tube sheet having a tube sheet mouth insert, a contoured transition, a lower cylindrical collar extending beneath the tube sheet all integrally formed of flexible, resiliently deformable material, and a tubular expander with an insert able band including an outer diameter substantially

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equal to or less than the inner diameter of the flange of the fitting, and the band configured to engage interiorly the frusto-conical portion of the contoured transition of the fitting proximate the circular opening through the tube sheet to outwardly bias portions of the resiliently deformable fitting to affect sealing engagement with the cylindrical mouth surface of the tube sheet" is patentable, and the Brunner U.S. Patent No. 5,964,909 issued on October 12, 1999 is entitled the benefit of the early filing date of September 4, 1998. The subject matter "a tubular fitting including a flange extending above the tube sheet having a tube sheet mouth insert, a contoured transition, a lower cylindrical collar extending beneath the tube sheet all integrally formed of flexible, resiliently deformable material, and a tubular expander with an insert able band including an outer diameter substantially equal to or less than the inner diameter of the flange of the fitting, and the band configured to engage interiorly the frusto-conical portion of the contoured transition of the fitting proximate the circular opening through the tube sheet to outwardly bias portions of the resiliently deformable fitting to affect sealing engagement with the cylindrical mouth surface of the tube sheet" (as described in Figures 3-22) is claimed on a present application continuation-in-part 09/430,063 with the filing date of October 29, 1999, and no where in the previous applications or patents that this new subject matter (Figs. 3-22) is claimed or specified in the specifications. Therefore, the Brunner reference with an earlier filing date September 4, 1998 is a perfectly effective prior art against the present application with the filing date of October 29, 1999 on the new subject matter "a tubular fitting including a flange extending above the tube sheet having a tube sheet mouth insert, a contoured transition, a lower cylindrical collar extending

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beneath the tube sheet all integrally formed of flexible, resiliently deformable material, and a tubular expander with an insert able band including an outer diameter substantially equal to or less than the inner diameter of the flange of the fitting, and the band configured to engage interiorly the frusto-conical portion of the contoured transition of the fitting proximate the circular opening through the tube sheet to outwardly bias portions of the resiliently deformable fitting to affect sealing engagement with the cylindrical mouth surface of the tube sheet" (Figs. 3-22).

Applicants further argue that "in the Brunner patent, at column 1, line 58 et seq., applicant's priority patent U.S. Patent No. 5,632,791 is specifically acknowledged as prior art. This is additional reason to remove Brunner as an effective prior art reference in the present case". Brunner's reference to U.S. Patent No. 5,632,791 as prior art in discussing the improvement of the flexible sealing sleeve wherein the resilience of the material in the flexible sleeve provides a dust tight seal. It has nothing to do with the new subject matter which is "a tubular fitting including a flange extending above the tube sheet having a tube sheet mouth insert, a contoured transition, a lower cylindrical collar extending beneath the tube sheet all integrally formed of flexible, resiliently deformable material, and a tubular expander with an insert able band including an outer diameter substantially equal to or less than the inner diameter of the flange of the fitting, and the band configured to engage interiorly the frusto-conical portion of the contoured transition of the fitting proximate the circular opening through the tube sheet to outwardly bias portions of the resiliently deformable fitting to affect sealing engagement with the

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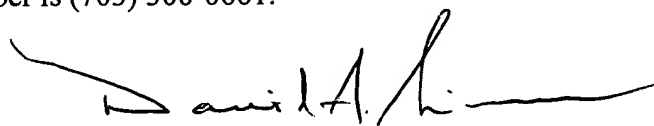
cylindrical mouth surface of the tube sheet". Therefore, the Brunner reference is an effective prior art applied against the present application.

4. Applicant's arguments with respect to claims 1-16 have been thoroughly considered but are moot in view of the rejection as discussed above.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau Pham whose telephone number is (703) 308-1605. The examiner can normally be reached on Monday-Friday (except Wednesday) from 7:15 a.m. to 5:45 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached on (703) 308-1972. The fax phone number for this Group is (703) 872-9310 (non-finals) or (703) 872-9311 (non-finals).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.



MCP 

January 17, 2002